

REMARKS

Claims 1, 5, 10, and 14 are amended, claims 3-4, 12-13, and 19-24 are canceled, and no claims are added; as a result, claims 1-2, 5-11, and 14-18 are now pending in this application.

No new matter has been added through the amendments to claims 1, 5, 10, and 14.

Independent claim 1 has been amended merely to add the subject matter from claims 3 and 4 to independent claim 1. Claim 5 has been amended merely to change the dependency of claim 5 from claim 3 to independent claim 1. Independent claim 10 has been amended merely to add the subject matter from claims 12 and 13 to independent claim 10. Claim 14 has been amended merely to change the dependency of claim 14 from claim 12 to independence claim 10.

§101 Rejection of the Claims

Claims 1-18 were rejected under 35 U.S.C. § 101.

Applicants have amended independent claim 1 to include all of the subject matter from claims 3-4, wherein claims 3-4 previously depended from independent claim 1 and are now canceled. Further, Applicants have amended independent claim 10 to include all of the subject matter from claims 12-13, wherein claims 12-13 previously depended from independent claim 10 and are now canceled.

Applicants believe that at least these amendments to independent claims 1 and 10 overcome the 35 U.S.C. § 101 rejection of independent claims 1 and 10, and also overcome the same rejection of claims 2, 5-9, 11, and 14-18, which depend from one of independent claims 1 and 10.

Applicants respectfully request withdrawal of the rejection, and allowance of all claims now pending in the application.

§102 Rejection of the Claims

Claims 19-24 were rejected under 35 U.S.C. § 102(e) as being anticipated by Dobecki (U.S. 6,611,879).

Applicants do not admit or agree that claims 19-24 are anticipated by Dobecki. However, in order to further the prosecution of the application, claims 19-24 are canceled. Therefore, the rejection of claims 19-24 is moot.

AMENDMENT UNDER 37 C.F.R. 1.116 – EXPEDITED PROCEDURE

Serial Number: 09/608,645

Filing Date: June 30, 2000

Title: MEMORY UTILIZATION IN A NETWORK INTERFACE

Assignee: Intel Corporation

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Dkt: 884 957US1 (INTEL)

Applicants reserve the right to reintroduce claims 19-24 in one or more continuation applications at a later time.

Reservation of Rights

In the interest of clarity and brevity, Applicants may not have addressed every assertion made in the Office Action. Applicants' silence regarding any such assertion does not constitute any admission or acquiescence. Applicants reserve all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicants do not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicants timely object to such reliance on Official Notice, and reserve all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicants reserve all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 612-371-2132 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date APRIL 5/2007

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 5th day of April 2007.

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